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HUMAN RIGHTS QUESTIONS: CAPITAL PUNISHMENT

Andorra, Australia, Austria, Belgium, Cambodia, Cape Verde, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, Finland, France, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Marshall Islands, Monaco, Nicaragua, Norway, Panama, Paraguay, Portugal, Romania, San Marino, Spain, Sweden, Uruguay and Vanuatu:
draft resolution

Capital punishment

The General Assembly,

Recalling article 3 of the Universal Declaration of Human Rights, 1/ which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights 2/ and articles 6 and 37 (a) of the Convention on the Rights of the Child, 3/

Recalling its resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 44/128 of 15 December 1989, by the latter of which it adopted and opened for signature the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of

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1/ Resolution 217 A (III).

2/ Resolution 220 A (XXI), annex.

3/ Resolution 44/25.

25 May 1984, 1985/33 of 29 May 1985, 1990/29 of 24 May 1990 and 1990/51 of 24 July 1990,

Deeply concerned that in some countries that have not yet abolished the death penalty sentence of death is imposed for other than the most serious crimes,

Also concerned that several countries impose the death penalty on juveniles, pregnant women and insane persons, in disregard of the limitations provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Welcoming the fact that in the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the ad hoc international criminal tribunal on Rwanda and the draft statute for an international criminal court elaborated by the International Law Commission, 4/ capital punishment is excluded from the penalties that these Courts are authorized to impose,

Noting that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights,

Reaffirming the sovereign right of States to determine, in accordance with international law, including the Charter of the United Nations, the legal measures and penalties which are appropriate to deal with the most serious crimes,

1. Invites all States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States parties that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and in particular to exclude pregnant women and juveniles from capital executions;

3. Invites all States that have not yet abolished the death penalty to consider the progressive restriction of the number of offences for which the death penalty may be imposed and to exclude insane persons from capital executions;

4. Encourages all States that have not yet abolished the death penalty to consider the opportunity of instituting a moratorium on pending executions with a view to ensuring that the principle that no State should dispose of the life of any human being be affirmed in every part of the world by the year 2000.

4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. II, sect. B.5.